

 S P Jain London School of Management LONDON	Appeals Policy
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1. Purpose

- a. This Appeals Policy provides a framework for considering appeals against decisions of the Examination Board and other panels where a student considers that the outcome is unfair. They also outline how a student may have recourse to the Office of the Independent Adjudicator for Higher Education if they are dissatisfied with the response.
- b. The responsibility for dealing with appeals lies with the Registrar. A Chair of the Appeals Panel will be appointed from the senior academic staff to hear appeals

2. Scope

- a. These appeal regulations apply to all students studying at the S P Jain London School of Management (the School).
- b. The appeal regulations provide a single process for students who wish to appeal against outcomes arising from the following procedures:
 1. Examination Boards
 2. Academic Integrity Offences
 3. Programme Withdrawals
 4. Mitigation Circumstances Policy
 5. Fitness to Study Policy
 6. Student Disciplinary Policy

3. Grounds for Appeal

- a. A student may appeal on one or more of the following grounds:
 1. procedural error: where the process leading to the decision being appealed against was not conducted in accordance with the School's procedure. Procedural error shall include alleged administrative or clerical error, and bias in the operation of the procedure.
 2. that exceptional circumstances, illness, or other relevant factors were not made known at the time for good reason¹, or were not properly taken into account.

¹ Good reason - requires a student to demonstrate that circumstances beyond their control prevented the disclosure of the relevant facts at the appropriate time.

3. that, where the appeal is against a Panel decision, the decision of the Panel was manifestly unreasonable.
- b. The following shall not be deemed legitimate grounds for appeal. Any appeal founded exclusively on one or more of these grounds shall be rejected automatically:
 1. appeals against academic judgement, for example the mark awarded by examiners
 2. appeals against professional judgement in the case of decisions made by Fitness to Study or Academic Misconduct Offences Panels
 3. appeals based upon the informal assessment of a student's work by academic staff
 4. retrospective reporting of mitigating circumstances that might reasonably have been made known at the proper time
 5. marginal failure to attain a higher classification of award
 6. in the case of student disciplinary matters, the provision of an apology by a student for their actions
 7. lack of awareness by a student of the relevant procedure or regulations
 8. vexatious or frivolous appeals
 9. where no fresh evidence is submitted or there has not been a material change of circumstances since the last decision on the matter.
- c. In all cases, the original outcome of the appropriate Panel or Board, which is the subject of the appeal, is final and not varied until and unless a successful appeal results in an alternative decision. For example, where a student is withdrawn due to academic failure, and the appeal is upheld, the student shall not be reinstated until the appeal process is complete.

4. Submitting an Appeal

- a. A student must submit an appeal to the Registrar in writing by completing the Appeal Form. The completed appeal form must detail the decision being appealed against, present the grounds on which the appeal is being made, and provide appropriate supporting evidence.
- b. An appeal must be received within 14 days of the formal notification of the decision being appealed against. This shall normally be the date given on the decision letter, or the official publication of results date. The Registrar may exercise discretion to consider a late appeal where a student demonstrates good reason for the delay.
- c. Appropriate supporting evidence which supports the points made in the appeal must be submitted with the appeal or within five working days of submission.
- d. The costs of an appeal incurred by the student will not be reclaimable, except in exceptional circumstances.

5. Actions on Receipt of an Appeal

- a. On receipt of an appeal, the Registrar shall first determine if the appeal was submitted in time.
- b. Where an appeal is determined to be out of time, the substance of an appeal shall not be considered; it will not be heard and a letter shall be issued to the student reflecting this decision.
- c. Where an appeal is deemed to be submitted in time, the Registrar, or authorised nominee, will be responsible for investigating the appeal. This will normally consist of reviewing the decision made under the previous procedure, reviewing all relevant documentation and, where appropriate, discussions with those responsible for the original decision. The outcome of this investigation will be referred to the Chair of the Appeal Panel.
- d. The Chair of the Appeal Panel shall consider the outcome of the investigation and determine:
 - i. to defer the decision where further investigation or documentation is required
 - ii. to reject the appeal and uphold the original decision

- iii. to uphold the appeal and refer to the School Registrar and Chief Operating Officer to apply an appropriate solution
 - iv. to refer the original decision back to the relevant body for reconsideration
 - v. to refer the appeal to the Appeal Panel for consideration where the case is deemed to be more complex.
- e. Where the Chair deems the case to be more complex it shall be referred to the Appeal Panel for consideration.
6. Where an Appeal Panel is required, the Registrar, shall notify the student in writing at least five working days before the Appeal Panel meeting is due to take place and provide the student with:
- a. details of the date, time and place of the Panel meeting and those who will be present
 - b. a statement of the grounds upon which their appeal is to be considered
 - c. a statement to the effect that new witnesses may be called in support of the grounds of appeal and the School has the right to call new witnesses on its behalf
 - d. copies of any documents to be considered relating to the appeal
 - e. a statement that the student may be accompanied to the appeal meeting by a friend or fellow student. Under no circumstances may the student have legal representation or be represented by an external organisation.

7. Appeal Panel Membership

- a. The membership of the Appeal Panel is:
- i. a Chair, appointed from the senior academic staff. If for any reason the Chair is unable to act, the Dean shall appoint an alternative Chair
 - ii. a member of academic staff from a different programme
 - iii. a member of academic staff, drawn from the membership of the Academic Board
 - iv. where the Appeal Panel is reviewing the outcomes from Fitness to Study procedures, membership will include a member of staff from Student Services who has not previously been involved in the case
 - v. The Registrar or nominee will act as secretary to the Panel who shall be present throughout the meeting of the Panel to record its deliberations and provide advice to the Panel with regard to the School Regulations. The Secretary shall not be involved in the decision making process.
- b. Members of the Appeal Panel shall not have been involved in making the original decision being appealed against.
- c. The Appeal Panel membership shall be individually constituted for each case or group of cases.

8. Appeal Panel Procedure

- a. All papers and proceedings shall be confidential.
- b. If the student does not attend the appeal meeting, or contact the Secretary of the Appeals Panel to make alternate arrangements within five working days of notification of the Panel Meeting, the Appeal Panel shall make a decision in the absence of the student based on the documentation available.
- c. Should a student notify the Secretary of Appeal Panel in advance of the hearing that they are unable to attend the hearing on the scheduled date, and has provided a satisfactory reason for their non-attendance; the Registrar or nominee will consider whether in all circumstances the hearing should be rescheduled. Under such circumstances, only one further attempt to reschedule the hearing will be made.
- d. The Appeal Panel meeting shall normally be in line with the following process:

- i. the members of the Panel shall be introduced to those present
- ii. the members of the Panel shall explain the student process of the appeal hearing
- iii. the student shall be asked to address the Appeal Panel regarding the appeal. The student's friend may make this response at the student's request
- iv. the Appeal Panel members shall ask the student questions relevant to the case
- v. the representative of the Board or Panel shall put forward the reasons for the decision which is being appealed
- vi. the Appeal Panel shall ask the above representative questions relevant to the case
- vii. witnesses may be called to the Appeal Panel where permitted by the Chair
- viii. the student, and their friend, and the panel representative may remain present throughout except for the Panel's deliberations.

e. The Appeal Panel shall consider its decision.

f. The Appeal Panel may determine:

- i. to reject the appeal and uphold the original decision;
- ii. to refer the original decision back to the relevant body for reconsideration;
- iii. to uphold the appeal and refer to the School Registrar and Registrar to apply an appropriate remedy.

9. Notification of Outcome of an Appeal:

- a. The Chair of the Appeal Panel shall inform the student in writing of their decision and the reasons for it within 5 working days of the meeting.
- b. The School will expedite the appeals procedures where circumstances warrant swift action. These may include, but are not limited to:
 - i. cases where the impact of the issues raised has detrimental consequences for the student's mental health or where the student displays significant stress;
 - ii. where a decision is required for progression purposes.
- c. A student shall normally be notified of the outcome of their appeal within 25 working days from the full appeal documentation being received by the Registrar. In more complex cases and where the Appeal Panel is required, the student will be notified of the outcome within 50 working days from the full appeal documentation being received by the School. In instances where it has not been possible to resolve the appeal within required timelines for a legitimate reason, the student will be informed of the reasons for the delay and the expected date of the appeal outcome.

10. Actions where an Appeal is upheld

- a. Where an appeal is upheld, the Registrar will agree an appropriate action with the Dean/Chief Operating Officer as appropriate for appropriate remedial action to be taken, relevant to the decision of the Appeal Panel or the Chair.
- b. Where an appeal is upheld, the student will be informed that they may request a Completion of Procedures (COP) letter confirming their right of referral to the Office of the Independent Adjudicator (OIA), see section 11 below.

11. Actions where an Appeal is not upheld

- a. Where an appeal is not upheld by the Chair or by the Appeal Panel, the student has the right to request an Appeal Review by the COO, or authorised nominee, provided the Appeal Review request

was made within 15 days of the original Appeal Panel or Chair decision. An Appeal Review constitutes a review and not a re-investigation of the appeal claim.

- b. The COO, or authorised nominee, shall review the original appeal and all the documentation relating to the case within 20 days of receipt of the review request and supporting evidence. In instances where it has not been possible to respond within required timelines for a legitimate reason, the student will be informed of the reasons for the delay and the expected date of the appeal review outcome, however, the whole appeal process should be completed within 90 calendar days of the start of the formal appeal stage.
- c. The COO shall either uphold or dismiss the Appeal Panel's or Chair's decision.
- d. Where the COO dismisses the Appeal Panel's or Chair's original decision, the COO may:
 - 1. refer the original decision back to the relevant Panel or Board for reconsideration
 - 2. recommend an appropriate remedy.
- e. Where the COO upholds the Appeal Panel's or Chair's original decision, the student will be provided with a Completion of Procedures letter and informed of their right to submit an application to the Office of the Independent Adjudicator (OIA), see section 10 below.

12. Review by the Office of the Independent Adjudicator (OIA) for Higher Education

- a. A student not satisfied with the outcome provided by the School following receipt of their COP letter may submit a complaint to the OIA.
- b. Information on submitting a complaint to the OIA shall be contained within the COP letter. Information on how to submit a complaint to the OIA can also be found on their website.
- c. The OIA will consider whether the School followed its policy correctly, and whether the outcome is reasonable in the light of the facts of the case. The OIA will not normally consider a submission until a student has completed the School's internal procedures.